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EDWARDS & ANGELL, LLP
P.O. BOX 9169
BOSTON, MA 02209

MAIL

DEC 30 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Norio Yasunishi, et al.
Application No. 09/748,502
Filed: December 26, 2000
For: LIQUID CRYSTAL DISPLAY DEVICE
AND METHOD FOR DRIVING THE SAME

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition for Withdrawal of Abandonment, filed October 28, 2003.

This application was held abandoned for failure to file a timely response to the non-final Office action mailed December 31, 2002. A Notice of Abandonment was mailed October 17, 2003.

The showing required to establish the failure to receive an Office communication must include a statement from the practitioner stating that the Office communication was not received by the Practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office communication may have been lost after receipt rather than a conclusion that the Office communication was lost in the mail.

In support of the instant petition, petitioner has submitted a statement stating that the Notice of Allowance was not received by the practitioner and a statement that he personally searched the file jacket and the docket records of the application and found no evidence that the Notice of Allowance was received.

A review of the file finds that the non-final Office action mailed on December 31, 2002 was returned as undeliverable. It was addressed to the previous correspondence address of Dike, Bronstein, Roberts and Cushman. Petitioner submits that on December 5, 2002, they filed listings of all pending and issued cases to the Electronic Business Center of the U.S. Patent and Trademark Office for the purpose of

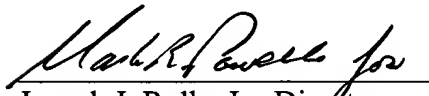
associating those cases with their Customer No. 21874. A further review of PTO records finds the instant application is now properly associated with Customer No. 21874 and its associated correspondence address of Edwards and Angell. Since the Notice of Abandonment was properly mailed to Edwards and Angell, it appears the association of the instant application to the Customer No.21874 occurred after the mailing of the December 31, 2002 non-final Office action. The Office sincerely regrets the inconvenience to applicant.

In view of the above, there is showing of non-receipt of the Office action. Accordingly, the application was not abandoned in fact.

The petition is **GRANTED**.

The Notice of Abandonment is vacated and the holding of abandonment is withdrawn.

The application file is being returned to the examiner to update the Office action as necessary and to respond to the Information Disclosure Statement filed March 24, 2003. From there, the file will be forwarded to TC 2600 Technical Support Staff for mailing of the updated action. The period for response will be set to run from the date of the new mailing.



Joseph J. Rolla, Jr., Director
Technology Center 2600
Communications